

REMARKS

Claims 10-22 have been rejected under 35 USC 10(a) as unpatentable over Eftechiou in view of newly cited Gorka. The rejection is respectfully traversed.

Eftechiou is generally related to a telephone privacy and alerting device for connection between a common telephone line and device. The device in Eftechiou includes an alerting circuit to be installed on a conventional telephone line that indicates an alarm when a further device is connected to the telephone line. According to Eftechiou, the circuit has to be coupled between the telephone and the telephone line, and is formed such that if one first telephone coupled to the telephone line is in an off-hook-state the circuit will automatically output an alarm signal when a second device is coupled to the same line. The Examiner admits that Eftechiou fails to disclose examining a transmission function of the subscriber line for a deviation. However, the Examiner cites Gorka for this feature. Applicants respectfully disagree.

Gorka discloses the monitoring of a transmission function in a DSL system, whereas the claimed invention (as amended) requires that one of the two communication units exchanging information (i.e. the DSLAM and the DSL modem) via the transmission line is actually performing the monitoring. Gorka, on the other hand, clearly describes an external apparatus that has to be attached to the subscriber line to perform the line monitoring. Significantly, in the claimed invention, one of the units (DSLAM / modem) is performing the line check with respect to the detection of newly connected devices. Hence, Gorka fails to disclose that wherein the transmission function is examined or monitored by the at least one second and third communication device, as required by the claimed invention.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 119010-141.

Respectfully submitted,
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Dated: December 2, 2008